

## **DETAILED ACTION**

### **Status of the Application**

Receipt of the Request for Continued Examination (RCE) under 37 CFR 1.114, the Amendment and Applicant's Arguments/Remarks, all filed 08/12/08 is acknowledged.

Claims 19-23 and 25 are pending in this action. Claims 1-18, 24, 26 and 27 have been cancelled. Claims 19-23 and 25 are allowed.

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### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12 August 2008 has been entered.

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### ***Allowable Subject Matter***

Claims 19-23 and 25 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason(s) for allowance are that Applicants have amended the claims to be consistent with the Board of Patent Appeals and Interferences (BPAI) decision dated 06/16/08. The BPAI noted that claims 19, 20, 22, 23 and 25 were not subject to any rejection, as these claims were reversed over the cited art of record. Applicants have hereby amended claim 19 to be in independent form, including all limitations of the claims from which it previously depended. Accordingly, the instant claims are rendered patentable, by virtue of the claim amendments now presented.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday-Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley, can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Humera N. Sheikh/

Primary Examiner, Art Unit 1618

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September 15, 2008